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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,428	12/14/2001	Seiya Ohta	35 . G2972	6630
5514	7590	07/03/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			YODER III, CHRISS S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2622	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/014,428	Applicant(s) OHTA, SEIYA	
	Examiner Chriss S. Yoder, III	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-8 and 12-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed April 11, 2006 have been fully considered but they are not persuasive.

Applicant argues, with respect to claims 1, 4, and 9-11, that Oshima et al. does not teach or suggest a selection of a control/vibration detection frequency characteristic based on whether the imaging device is performing still or motion picture imaging. However, the Examiner disagrees pointing out that Oshima does disclose the selection of a control/vibration detection frequency characteristic based on whether the imaging device is performing still or motion picture imaging in column 9, line 55 – column 10, line 12 and column 13, lines 25-52 (depending on the mode, the filters are selected to change the characteristics of the image stabilizer to perform proper image correction).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-6, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al. (US Patent # 5,526,045).
2. In regard to claim 1, note Oshima discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture (column 10, lines 2-10),

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comprising an image stabilizer that suppresses image blur of the imaging apparatus (column 8, lines 32-40), determining means that determines whether an indication is a still picture imaging indication of a motion picture imaging indication (column 10, lines 1-14, the image control circuit 9 determines the indication of mode), and a controller that selects a control frequency characteristic of said image stabilizer based on the result of the determination of said determining means (column 9, lines 55-62 and column 13, lines 25-52; depending on the mode, the filters are selected to change the characteristics of the image stabilizer).

3. In regard to claim 3, note Oshima discloses that the control frequency characteristic of said image stabilizer has a lower frequency response for still picture imaging than for motion picture imaging (column 13, lines 39-52, when switching to a motion/damping mode, the use of low-cutoff filters 11e-11g are inserted, thereby removing the low frequency characteristics; therefore, the still image mode has a lower frequency response characteristic than the motion mode).

4. In regard to claim 4, note Oshima discloses the use of as imaging apparatus capable of imaging a still picture and a motion picture (column 10, lines 2-10), comprising an image stabilizer that suppresses image blur of the imaging apparatus (column 8, lines 32-40), an imaging switch that performs an imaging operation (column 8, line 61- column 9, line 5), and a controller that controls said image stabilizer using a predetermined control characteristic selected from among a plurality of control characteristics (column 8, lines 32-40 and column 10, lines 2-12), the predetermined control characteristic being selected in response to operation of said imaging switch

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(column 8, line 61- column 9, line 5; the control mode is selected when the user depresses the control switch 7), and on the basis of whether said imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode).

5. In regard to claim 5, note Oshima discloses that the imaging switch includes a plurality of stages, and the predetermined control characteristic is selected when a predetermined number of stages of said imaging switch are operated (column 8, line 61- column 9, line 5; after the user depresses the control switch 7 and the first stage is operated, the control mode is selected).

6. In regard to claim 6, note Oshima discloses that the same predetermined control characteristic is selected regardless of whether said imaging apparatus is performing still picture imaging or motion picture imaging if said imaging switch is not operated (column 8, line 61- column 9, line 5; if the user does not depress the control switch 7 then the control mode is not changed and the characteristics stay the same).

7. In regard to claim 9, note Oshima discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture (column 10, lines 2-10), comprising an image stabilizer that suppresses image blur (column 8, lines 32-40) and a detector that detects a vibration frequency using a predetermined vibration detection characteristic selected from among a plurality of vibration detection characteristics (column 4, lines 45-50 and column 9, lines 19-40, the image fluctuations are defined as

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a blur caused by the frequency of vibration/movement of the camera; column 8, lines 32-40, the image is corrected using image fluctuation detectors to suppress the vibration/movement), the predetermined vibration detection characteristic being selected on the basis of whether said imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode).

8. In regard to claim 10, note Oshima discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture (column 10, lines 2-10), comprising an image stabilizer that suppresses image blur (column 8, lines 32-40), a controller that controls said image stabilizer (column 8, lines 32-40), and a panning and tilting detector that detects whether said imaging apparatus is panning or tilting (column 9, lines 1-17; the fluctuations detectors 8a-8c can detect whether the camera is panning or tilting), using a predetermined detection characteristic selected from among a plurality of detection characteristics (column 8, lines 32-40), the predetermined detection characteristic being selected on the basis of whether said imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode, i.e. still or motion modes use different filters; therefore, different control characteristics are used to determine pan/tilt in each mode).

9. In regard to claim 11, note Oshima discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture (column 10, lines 2-10), comprising an image stabilizer that suppresses image blur (column 8, lines 32-40), an imaging switch that performs an imaging operation (column 8, line 61- column 9, line 5), and a panning and tilting detector that detects whether said imaging apparatus is panning or tilting (column 9, lines 1-17; the fluctuations detectors 8a-8c can detect whether the camera is panning or tilting), using a predetermined detection characteristic selected from among a plurality of detection characteristics (column 8, lines 32-40; the characteristics are selected based on the selected mode), the predetermined detection characteristic being selected in response to operation of said imaging switch (column 8, line 61- column 9, line 5; the control mode is selected when the user depresses the control switch 7) and on the basis of whether said imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode, i.e. still or motion modes use different filters; therefore, different control characteristics are used to determine pan/tilt in each mode).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSY

June 23, 2006

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized flourish at the end.

LIN YE  
PRIMARY EXAMINER